



The Confederated Tribes of the Colville Reservation  
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August 6, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Room TW-A325  
Washington, DC 20554  
Re: WT Docket No. 18-120

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Dear Ms. Dortch:

Thank you for the opportunity to comment on the FCC's proposed rulemaking regarding the 2.5 GHz Band under WT Docket 18-120. The comments of the Confederated Tribes of the Colville Reservation (Colville Tribes) are set out section-by-section below and correlate to the order of the proposed rules.

**Colville Tribes Comment 1: Regarding Background II(7)**

As a preliminary matter the Colville Tribes notes that the Commission has considered assigning EBS spectrum licenses by auction, but determined that "a broader record should be developed on how to distribute licenses for unassigned EBS spectrum." The Colville Tribes opposes the use of competitive bidding at auction for assigning EBS spectrum licenses. As will be discussed herein, unserved and underserved citizens in sparsely-populated, rural areas of the West such as the Colville Reservation must have the opportunity to access telecommunications services provided through this spectrum band. The level and quality of these services on the Colville Reservation is woefully inadequate and this problem can be addressed by the Tribes' acquiring licenses of unassigned EBS spectrum. To auction these to the highest bidder would almost certainly result in acquisition of the lion's share of licenses by heavily capitalized telecommunications companies, the very companies which in the past have ignored the needs of citizens in rural areas or, at best, provided sub-standard service to these areas which focusing their resources on major metropolitan areas. There is currently a great disparity in the quality and quantity of telecommunications services available, depending on whether one resides in a large city or in a rural area. This Rulemaking provides an opportunity for the FCC to address this disparity in services and the end result should not be to auction licenses to the highest bidder. The Colville Tribes urges the Commission to take a number of the steps proposed in its rulemaking to provide telecommunications services to communities across the country whose citizens have been too long without this now-basic necessity.

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**Colville Tribes Comment 2: Regarding Discussion III(12))**

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As noted in the Rulemaking, EBS licenses generally are based on a 35-mile radius circular Geographic Service Area (GSA). The Commission is proposing a "rationalization" of existing Educational Broadband Service licenses except in grandfathered licensees in the E and F Channel groups, based on the sum of the census tracts covered by, or that intersect, a licensee's existing GSA. The Colville Tribes believes that such expansion should include only those licensees whose census tracts currently overlap an existing GSA with a 50% minimum coverage threshold being established. That 50% should reflect the census tract's population and not geographical area and special consideration should be given to the areas included in a Tribe's reservation and its "Indian Country" as that term is defined in Federal law. This consideration would allow for any federally- recognized tribe to have first rights to any licensing in its "Indian Country" whether that is within or outside their established reservation borders

**Colville Tribes Comment 3: Regarding Section III(13)**

Regarding the proposed "rationalization" process, the Colville Tribes believes that the GSA census tracts of any current EBS licensee that may fall, in part or in whole, inside the reservation of a federally- recognized not be allowed to expand any further than currently and that tribes must have first rights to all other 25 GHz spectrum within their reservation lands or within their "Indian Country." Further the Tribes recommends that, once a license is obtained by a tribe, that tribe should be allowed to expand any current GSA borders to its reservation boundaries.

**Colville Tribes Comment 4: Section III(14)**

The Tribes' position on what should occur when two or more co-channel GSA overlap the same census tracts is that the entity who covers at least 50% of the population should be granted full coverage for that census tract unless that tract falls within the boundaries of any federally- recognized Tribes' reservation, or within its Indian Country, in which case the tribe should be granted full coverage for that census tract.

**Colville Tribes Comment 5: Section III(15)**

The Colville Tribes supports modifying EBS licenses to GSAs based on census tracts as the tracts follow regular geographical boundaries rather than a circular boundary. The South Half of Colville Reservation alone is more than 1.4 million acres, encompassing high mountain passes, dense forests, and river basins. GSAs should recognize the natural features of the landscape and the concentrations of inhabitants in certain areas rather than be based on an artificial circular span, where service may be interrupted if not blocked altogether by these natural features.

**Colville Tribes Comment 6: Section III(16)**

As discussed earlier, the Colville Tribes agrees that re-structuring GSA's to a census-tract-based model will recognize real geographical boundaries and obstructions and function as a more efficient licensing tool. Tract-based GSA's along with consolidation of licenses will be more cost effective as well.

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**Colville Tribes Comment 7: Section III(17)**

The Colville Tribes strongly opposes a county-based GSA. The South Half of the Colville Reservation includes two counties (Ferry and Okanogan) as well as substantial tracts of land within other counties in Washington State (as part of its "Indian Country"). A county-based, rather than reservation-based GSA does not recognize this fact. The overlapping of county and reservation boundaries creates an unnecessary complexity that should be addressed by first recognizing the reservation as a whole for the purposes of determining GSAs.

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**Colville Tribes Comment 8: Section III(18)**

Again, the Colville Tribes supports the establishment and possible expansion of GSA boundaries based on the boundaries of a reservation, and in any case, any current licensee must not be able to expand their GSA inside the established borders of any federally-recognized Tribe's reservation or Indian Country. Moreover, federally-recognized tribes must have first rights to licenses for any available space within their respective reservations and Indian Country.

**Comment 9: Section III(19)**

The Colville Tribes supports "granting additional flexibility to EBS licensees in order to promote more intensive and efficient spectrum use." Such flexibility would allow the Tribes to enhance its ability to provide services to its Public Safety sectors, elementary and secondary schools and the satellite campuses of several community colleges and universities on its reservation. These services will allow for a farther reach and greater access to more education materials. The Tribes would use this opportunity to widen the Public Safety "safety net" by providing a means to communicate to the more isolated regions of its 1.4 million-acre reservation. Any unused space could be leased out to bring more cellular services to its vastly underserved areas through 5G and could bring in much needed revenue for severely underfunded schools. Moreover, funds acquired through leasing are not restricted to only operational costs of an educational-based ITFS type facility and could be used in whatever fashion the Tribes see fit to serve and enhance our educational and public safety sectors.

**Colville Tribes Comment 10: Section III(20)**

With regard to eliminating the limit on what entities can hold EBS licenses (rule 27.1201) and whether licensees may assign or transfer control of their licenses to other entities, the Colville Tribes supports elimination of this limit and agrees that tribal license holders are better suited to decide on how to best utilize their spectrum. Any and all authority to either assign a license or hold onto any license(s) obtained should be completely and solely up to the individual federally-recognized tribes as sovereign nations.

**Colville Tribes Comment 11: Section III(21)**

The Colville Tribes agrees that any licensees that are currently operating under a limited waiver should be granted the same full access that is being proposed to all other current EBS licensees.

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**Colville Tribes Comment 12: Section III(22)**

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The Colville Tribes agrees that eliminating the educational use requirements of EBS licenses is appropriate and that the Tribes is in the best position to determine the highest and best use of its EBS license(s). There is a multitude of unmet telecommunications needs on the Colville Reservation and in its Indian Country and flexibility in the use of an EBS license to address public health and public safety as well as educational needs on its reservation would enhance the Tribes' ability to deliver such services in remote areas to citizens in all reservation communities. Most rural areas are not affected by the interference factors that may occur in more populated metropolitan regions with numerous telecommunications providers. The Tribes' problems with telecommunications services are due less to interference between conflicting service providers and more the result of a lack of services altogether. Tribes should be allowed to create their own standards for predicting interference within reservation boundaries and in their Indian Country that may be more cost effective for them. Current requirements favor the bigger commercial companies who may or may not be utilizing the spectrum for its intended purpose and could potentially "bully" their way around a smaller market rural area with a seemingly endless access to cash that many rural-based entities do not possess. The Colville Tribes believes that an update that reflects either a waiver system to the interference requirements should be added or established, or that a population threshold be established for smaller market areas that does not require these costly engineering analysis.

**Colville Tribes Comment 13: Section III(23)**

With regard to the elimination of lease terms, the Colville Tribes supports elimination of any unnecessary lease restrictions, especially on its reservation lands. Individual Tribes should be allowed to establish their own reasonable lease terms in accordance with their established local codes and laws. Regarding rationalizing the rules for "transferability, leasing, and use of EBS spectrum," it is imperative that the individual entities be allowed to lease out unused spectrum and bands to bigger market "players" that have access to the types of equipment necessary to provide those services. With IoT (internet of things) becoming more and more prevalent the need to require an education only or education threshold for use of these spectrums an outmoded criterion. A reliable internet connection can provide access to educational documents and more and more school based learning can be done online through various websites. Many college and university students on the reservation receive instruction through various websites, and in fact can complete a large proportion of their required classes from home. Students of all ages on the reservation must be provided with the opportunity to access educational resources from their homes here, particularly with the high cost of residential college living and the great distances students here must travel to take instruction on campus.

**Colville Tribes Comment 15: Section III(25)**

The Colville Tribes urges the Commission, prior to any consideration of auctioning licenses, to open three new local priority filing windows with Tribal Nations given top priority for acquiring 2.5GHz licenses. Moreover, licenses in this category should be assigned based on a tribe's reservation size and location, with the largest, most sparsely populated, and currently least

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“wired” reservations receiving top priority in this category. The Colville Reservation and its Indian Country occupy some of the most remote areas in Washington State, and its citizens are generally unserved or underserved by communications technology. This is no longer a luxury but a basic necessity for the health, safety, education and economic development of communities on the reservation and in the Tribes’ Indian Country.

**Comment 16: Section III(26)**

The Colville Tribes supports a “strong preference” for local applicants in the licensing process. As stated earlier, the Tribes believes that it is best suited to determine the best uses of the 25 GHz spectrum on its reservation. The Tribes prefers to set its own priorities of the use of its licenses, rather than allowing a company with few or no ties to its reservation communities decide how best to use (or not use) the licenses.

**Colville Tribes Comment 17: Section III (27)**

The Colville Tribes strongly supports opening up three new filing windows for qualifying applicants that for currently unassigned 2.5 GHz spectrum to serve their local communities, and would propose the following priorities: (1) Tribal Nations; (2) Existing EBS licensees; (3) Other non-tribal educational entities; (4) Other non-tribal Health and human service entities; other non-tribal public safety entities. It is imperative that Tribal Nations receive at top priority and the Tribes also request that if a current license is not being used by a current licensee, that the license for this entity be reassigned to the pool of available licenses for Tribal Nations. Additionally, the Tribes proposes that Tribal Nations with large land bases (i.e., more than 500,000 acres), scarce population (i.e., fewer than 100,000 population within the reservation boundary), long distances from the location of the tribal government headquarters to major metropolitan areas (i.e. more than 90 miles) and the corresponding lack of quality telecommunications services to that population be FCC criteria for ranking Tribal Nations inside this category. Tribal Nations which meet these criteria clearly already are at a disadvantage in telecommunications services to residents. The Tribes also proposes that top-ranked Tribes have the opportunity to apply for one or more vacant channels in the EBS system when they show that have a local presence in the reservation community. The Colville Tribal government provides a wide variety of services to its Tribal membership and the reservation community as a whole, including education, health and human services and public safety services. Education is key to enabling tribal youth to pursue their dreams and goals and be successful in life; tribal mental health treatment programs, drug and alcohol treatment programs and the Tribes’ Public Safety Police and EMS services, as well as wildfire management crews and other natural resources programs provide services throughout the reservation and these services require high-quality and dependable telecommunications services. For example, the Tribes was faced with a desperate situation in 2015 when one of the largest wildfires in Washington state history ravaged its reservation and communications facilities burned in the fire, requiring emergency, temporary measures to assure communications between firefighters and public safety officials. The Tribes expects that more and more dangerous wildfires will burn on the reservation in years to come and needs to be prepared for this potential.

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**Colville Tribes Comment 18: Section III (28)**

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As stated earlier the Colville Tribes strongly opposes competitive bidding/auction to assign licenses for this spectrum. The Tribes strongly supports Tribal Nations being given top priority in the assignment process. The Tribes does not support preferences for entities such as Universal Services programs (i.e., E-Rate and Connect America) as these are mostly used by national providers who do not have the community presence of a Tribal government. The Colville Tribes in particular would benefit from first rights to the spectrum that lies within the established borders of its reservation and in its Indian Country. The Colville Tribes would use its assigned new spectrum to provide enhanced education, health and human services and public safety services to everyone in the Tribes' reservation communities.

**Colville Tribes Comment 19: Section III(29)**

The Colville Tribes strongly supports requiring a "Local Presence" for any applicants for the new licenses in this spectrum. The Tribes agrees with the FCC's definition of "local" as "those institutions and organizations that are physically located in the community, or metropolitan area, where service is proposed." The Tribes endorses the FCC's intent to "require an applicant to demonstrate, as part of the application process, that it is physically located within the license area applied for." Clearly the Tribal Government, which provides direct services to a large number of reservation residents, should have priority over entities at a great distance who seek licensure but are not physically located on the reservation. The Colville Tribes feels that any educational entity seeking a license within a given GSA should have more than just a physical mailing address. That there should be a minimum number of employees of the entity working on the reservation (the Tribes recommends that an applicant provide evidence that a minimum of 10 full-time employees that work in the GSA). This will prevent smaller schools with a real presence in the community from being shut out of the licensure process by larger and well-funded universities whose presence is minimal or non-existent on the reservation.

**Colville Tribes Comment 20: Section III(30)**

Regarding what documentation applicants must provide to show a presence in the community, the Tribes supports requiring more information than merely a mailing address, which does not indicate the entity's actual presence in real terms in the community

The Colville Tribes believes that documentation which will prove the applicant is truly a local entity must be required, including tax records showing that the entity has 10 or more full-time employees working inside of the GSA. This will make sure that the local entities which have a real and significant presence in the community are given priority over outside entities with minimal connections to the local community.

**Colville Tribes Comment 21: Section III(31)**

As stated in the Tribes' response to Section III-30, the Tribes believes that local educational entities are best suited to understand and serve the needs of the local community. If, however, there is no other entity than a more distant or national one to provide services to the reservation

community, there should be a process for assigning the license to the Colville Tribes or its local entity which can could sub-lease to that third-party entity, and the lease proceeds would stay in the reservation community for new or enhanced programs .

**Colville Tribes Comment 22: Section III(32)**

As stated earlier, with regard to giving top priority for new licenses to those entities with existing EBS licenses, the Colville Tribes would not support this priority for licensees unless and until they can prove that they have been using their assigned license for delivery of services to the Colville Reservation. If existing licensees were given unconditional top priority, it could mean that the FCC would have few if any new licenses to issue to Tribal Nations. Existing licensees must provide assurance that they will not then sell off their license to the highest bidder, which would simply implement, if only a little later, the auction process which the Tribes strongly opposes for these new licenses. The FCC must require stringent conditions for all existing licensees to avoid a "2nd Stage Auction" to highest bidders. As stated earlier, the Colville Tribes has long been ignored by big telecommunications companies because of the small reservation population base, its large land base and remoteness from major metropolitan areas. In short, the Tribes has not been a "money maker" for big telecommunications companies and has been given little attention from them. Often only the most minimal required services are provided on the reservation. The Colville Tribes, as a Tribal Sovereign Nation with a largely unserved or under-served population in the area of telecommunications must have top priority for licensure on its reservation as well as in its "Indian Country" (i.e., off reservation lands held in trust for the Tribes).

**Colville Tribes Comment 23: Section III(33)**

With regard to setting a firm, fixed date for license applications for existing licensees, the Tribes agrees that limiting participation by setting a deadline for receipt of applications by existing licensees is appropriate, but not sufficient to assure that existing licensees will not take advantage of a top priority classification to sweep up all the available licenses when they do not in fact provide services to, or have a significant presence in, the reservation community. The Tribes supports requiring a showing of a 50% presence (covering one-half the census tracts within the boundaries of the reservation) must be shown with Tribal entities given first priority to any tribal lands regardless of any established local presence.

**Colville Tribes Comment 24: Section III(34)**

With regard to any other further requirements for a showing of local presence, etc., by existing licensees, the Colville Tribes has commented in detail on the need for additional requirements above. If there is a dispute between a county and a Tribal Nation on the "local presence" question, the FCC should require additional and detailed information from the applicant to prove that it better serves more tribal members on the reservation than the Tribes does, and that it has not just a mere physical presence within reservation communities, but provides more meaningful services to more reservation citizens in the areas of education, health services, public safety, etc.

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than does the Tribe. This will ensure that the local population will actually benefit from the issuing of a license to a county which is only partially within the reservation .

**Colville Tribes Comment 25: Section III(35)**

With regard to whether the FCC should open a new local priority filing window for rural Tribal Nations, the Colville Tribes, as described above, strongly supports this specifically for rural Tribes. Some Tribal Nations are located in or near metropolitan areas already well served by telecommunications providers. This is NOT the case for Colville, given its large land base, sparse population, and distance from even mid-sized cities (for example, Spokane Washington, the nearest largest city, is more than 100 miles from the northwestern boundary of the reservation). The Tribes agrees that "opening such a window would allow rural Tribal Nations an opportunity to access 2.5 GHz spectrum to address educational and communications needs of their communities and residents on rural Tribal lands, including the deployment of advanced wireless services to areas that have too long been without." For all the reasons already stated, the Tribes supports this approach to new licensure to access 2.5 GHz white spaces, as the Tribes is best suited to best use the spectrum licenses for the enhancement of the lives of its community members. In any case, the Tribes supports Tribal Nations being given first priority to any space that lies within its reservation or in its off-reservation "Indian Country." As also stated earlier, there are numerous mountain ranges which separate our Native communities and the Tribes is uniquely challenged by this fact. Having access to a wireless 2.5Ghz frequency would open up many opportunities to serve communities that have long been underserved or unserved altogether. The public safety, elder welfare, and at-home education potential for use of these licenses would truly benefit the members of the Colville Confederated Tribes.

**Colville Tribes Comment 26: Section III(36)**

The Colville Tribes supports the FCC's intent to "limit participation to federally-recognized American Indian Tribes and Alaska Native Villages located in rural areas." As we have stated earlier, the need of rural tribes for enhancement of telecommunications services to their citizens and community members is much, much greater in rural areas. Please see comments above on possible numeric criteria for establishing "ruralness." Additionally, the Tribes agrees with the FCC's position that approval of this priority-based licensure would recognize not just the greater needs of rural tribes, but would also comport with the federal government's requirement to engage in meaningful consultation with tribes on matters the government is considering which will affect Tribes. This requirement is in line with the particular trust responsibilities to Tribes by the US government and its agencies. The Tribes does not wish to put a blanket percentage requirement on this process; it does not support requiring that the land inside the span of the spectrum which reaches both inside and outside the reservation boundaries must be 25% tribally owned. If the FCC desires to put in some kind of minimal percentage, the Tribes proposes that, for licenses to an entity located outside the reservation but includes land inside the boundaries, or vice-versa, a minimum threshold would be that the Tribes or Tribal members must own at least 10% of the on-reservation area to qualify for a license. The Tribes has commented earlier on the criteria it would like to see for applicants.



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**Colville Tribes Comment 27: Section III(37)**

As stated earlier the Colville Tribes' position is that the license areas should be based on census tract mapping. In the Colville Tribes' specific case there are two counties that lie within the boundaries of its reservation. These are large counties that with Ferry County being 2,257 square miles in size and Okanogan County being 5,315 square miles in size. The Colville Reservation size is roughly 2,150 square miles, of which 1087.79 square miles are located within Ferry county and 1041.58 square miles are located within Okanogan county. Since the Colville Reservation makes up roughly half of Ferry County and 1/5th of Okanogan County we believe that setting the license area at the census tract level would be most appropriate in our case.

**Colville Tribes Comment 28: Section III(38)**

The Colville Tribes agrees that making all channels available to Tribal Nations would be the approach. This would allow for multiple uses and would expand the ability to service to as much of the tribal membership as possible and give Tribes flexibility to interact with state and other local entities when working along reservation boundaries.

**Colville Tribes Comment 29: Section III(39)**

For purposes of commenting on this provision, the Tribes hereby references and incorporates all comments herein regarding the limitations/restrictions/criteria to be used when assigning this spectrum. There should be no restrictions limiting the Tribes' ability to exercise sovereignty on its on- and off-reservation property. The best use of the air-waves over these tribal lands will be best regulated by the tribes themselves. Tribes have the authority to develop their own specialized codes and regulations use of this airspace to best serve the unmet telecommunications needs of its members and all reservation community members.

**Colville Tribes Comment 30: Section III(40)**

The Colville Tribes does not necessarily oppose opening the application process to new educational entities, particularly if the services that could be provided by these entities do not duplicate services already being provided on the reservation. But again, it is the Tribes' position that Tribal Nations, in particular rural tribes, should have first priority in the application process.

**Colville Tribes Comment 31: Section III(41)**

Again, the Colville Tribes is not necessarily opposed to any other entities making applications for 2.5Ghz space, but any process must assure that Tribal Nations have top priority to apply for this licensure. Once the Tribes has applied for the licenses it needs, other current and new educational entities could apply.

**Colville Tribes Comment 32: Section III(42)**

As stated earlier with regard to the basis for determining license locations, it is the Colville Tribes' position that, given the large land base of the reservation and the fact that the Tribes is

part of two counties with four other counties within five miles of the reservation boundaries, using county boundaries simply will not work. It would not be beneficial to local entities, Tribal or non-tribal, because county lines are both inside, and outside reservation boundaries. Census tracts would likely be more appropriate but whatever basis is used, Tribal Nations must be first in line for unallocated 25Gh licensure.

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**Colville Tribes Comment 33: Section III(43)**

With regard to not limiting the number of channels a new educational entity could acquire, please see above comments regarding (1) the need for the entity to prove a local presence on the reservation (2) the need to require that the applicant new entity would actually use the license to continue or begin programs on the reservation—these should not then be sold to the highest bidder in a “2nd Stage Auction” which the Tribes strongly opposes.

**Colville Tribes Comment 34: Section III(44)**

With regard to the time frames for new priority filing windows, the Colville Tribes proposes a 90-day notice period, from public advertisement of the licensure opportunity to receipt of application. This notice period may be extended for as much as 60 days if the FCC determines (based on requests from potential applicants for more time) that the 90-day period would work a hardship on some entities, including Tribal Nations, which must provide substantial evidence of their need for the licenses and a showing of how this would benefit the local (reservation) community.

**Colville Tribes Comment 35: Section III(45)**

The Colville Tribes does not agree that an auction at any time for certain licenses should happen. Instead, the Commission should require sufficient information in all applications to determine if the applicant is truly a local entity, has a verified presence in the community, and is not attempting to gain a license only to re-sell it. Licenses must be granted to those entities which will be able to use the telecommunications spectrum to provide more and better services in a wide range of critical areas to reservation community members.

**Colville Tribes Comment 36: Section III(46)**

The Colville Tribes is amenable to any already-established practices or procedures in place to keep the bidding process moving toward licensure for best-documented applicants. If the FCC determines that a settlement window is warranted in order to resolve any possible issues between two applicants the Tribes would participate in meaningful settlement discussions on this dispute..

**Colville Tribes Comment 37: Section III(47)**

The Tribes urges the FCC to require a special holding period on any license acquired through a local priority filing window by a non-Tribal entity. This would help assure that the license isn't being used as a revenue-generator for entities which have no intention of providing

telecommunication services to their community through the 25 GHz spectrum. Licenses must be put to their highest and best use, and this use is most likely (except in extraordinary circumstances) for non-tribal entity delivery of critical services, not to produce revenue for the licensee.

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**Colville Tribes Comment 38: Section III(48)**

With regard to the proposed requirement that education entities must use at least 20% of the capacity of their 25 GHz spectrum to "further the education mission" of the entity, the Tribes requests that this percentage be at least 25% for larger non-tribal educational institutions (with enrollment over 5,000 students).

**Colville Tribes Comment 39: Section III(49)**

The Colville Tribes does not necessarily oppose all auctioning of any spectrum for commercial uses, but this should occur ONLY after Tribal Nations in particular have been given every opportunity to apply for as many licenses as they require to enhance telecommunications services to their local populations.

**Colville Tribes Comment 40: Section III(50)**

Given that most Tribal Nations on the east side of the Cascade Mountains in Washington are located in rural areas that often have several counties within their reservation boundaries the Tribes proposes that all tribes should be given first rights to any spectrum on or near the South Half reservation boundaries and on the Tribes' Indian Country. The best way to accomplish a clean, concise, geographical licensing model would be through the use of census tracts. The Tribes also recommend that all bands be made available wrapped up into one license and not be piecemealed out.

**Colville Tribes Comment: Section III(51)**

The Colville Tribes once again urges the Commission to adopt the position that any spectrum in or near (within five miles of) a reservation boundary and aimed inside the reservation should be licensed by the Tribe and not made available for auction.

**Colville Tribes Comment 42: Section III(52)**

The Colville Tribes supports non-tribal applicants for licensure being required to provide documentation of local presence, and their intent to serve tribal members on the reservation and in a Tribes' Indian Country. If the entity does not make a good faith effort to provide services through its newly-acquired 25 GHz spectrum within a year, the FCC should consider revocation of the license and issuance to another tribal or educational entity.

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**Colville Tribes Comment 43: Section III(54)**

With regard to performance requirements for any new 2.5 GHz licenses, the Colville Tribes opposes more robust requirements for Tribal Nations receiving licenses to serve their reservations. Given the large land base/small population base matrix that is common to almost all Tribal Nations in rural areas, these requirements could be a deterrent to applying for licensure because the "one size fits all" nature of the requirements does not take into account the greater difficulty of serving reservation community members in far-flung communities with natural barriers such as mountain ranges between them. It would be more appropriate for Tribal Nations to provide an estimate of the percentages of the population they can serve if granted licenses, after a reasonable (5-10 year) period of time for construction of facilities necessary to deliver services over the spectrum.

**Colville Tribes Comment 44: Section III(55)**

Regarding licensure renewal standards, it is likely that current standards are sufficient; however it is the Colville Tribes' position as stated throughout these comments that Tribal Nations should be given first priority for new licenses and allowed sufficient time to construct facilities and to implement programs which would use the spectrum without having to cross more difficult hurdles for relicensure.

**Colville Tribes Comment 45: Section III(56)**

The Colville Tribes does not oppose elimination of the transition rules.

**Colville Tribes Comment 46: Section III(57)**

As the Colville Tribes cannot locate the referenced Appendix A" of 47 CFR 27.1206 "Geographical Service Area" " the Tribes has no comment on this issue at this time.

**Colville Tribes Comment 47: Section III(58)(a)**

The Tribes has no additional suggestions for the implementation of a process to open up the 2.5 GHz band at this time.

Respectfully submitted,



Rodney Cawston  
Chairman, Colville Business Council  
Confederated Tribes of the Colville Reservation

## COLVILLE CONFEDERATED TRIBES

Nespelem, Washington

Received &amp; Inspected

TO: COLVILLE BUSINESS COUNCIL

DATE: August 1, 2018

AUG 06 2018

COMMITTEE: Management and Budget

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SUBJECT: FCC Comments Approval

INITIATED BY: Alice Koskela

PROGRAM: ORA

DIRECTIVE: Whereas, it is the directive of the Management and Budget Committee to approve sending the attached Colville Tribes' comments on FCC rulemaking related to opening the applications process for the 25 GHz spectrum. Chair or designee authorized to sign on behalf of the Colville Tribes.

COMMITTEE MEMBERSVOTE CAST  
(YES) (NO)COMMITTEE MEMBERSVOTE CAST  
(YES) (NO)

<u>Jack Ferguson</u>	<u>X</u> —
<u>Richard Moses</u>	<u>X</u> —
<u>Joel [illegible]</u>	<u>X</u> —
<u>[illegible]</u>	<u>X</u> —
<u>Clawson</u>	<u>X</u> —
<u>Andrew C. [illegible]</u>	<u>X</u> —
<u>Joseph [illegible]</u>	<u>X</u> —

<u>Norma Sanchez</u>	<u>X</u> —
<u>Margie Hutchinson</u>	<u>X</u> —
<u>Andrea D. George</u>	<u>X</u> —
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Signed:

Jack Ferguson  
Committee Chairperson

Date Enacted: August 1st, 2018